UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/662,362 | 09/16/2003 | Kentaro Matsumoto | 03500.017596. | 9425 |

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| EXAMINER |
|---|
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/662,362 | MATSUMOTO, KENTARO |
| | Examiner | Art Unit |
| | STEVEN B. THERIAULT | 2179 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *20 February 2008*.
2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-11 and 13-32* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-11 and 13-32* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *02/08*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

## DETAILED ACTION

1.      This action is responsive to the following communications: RCE filed 02/20/2008.

2.      Claims 1 -32 are pending in the case. Claims 1, 11-14, 28-33 are the independent claims. Claims 1, 11, 13, 14, 25, 28 and 32 are the amended claims. Claim 12 has been cancelled.

### *Continued Examination Under 37 CFR 1.114*

3.      A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.  Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.  Applicant's submission filed on 02/20/2008 has been entered.

### *Claim Rejections - 35 USC § 102*

4.      **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.      **Claims 1-11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Stone et al (hereinafter Stone) U.S. Patent No. 5,818,455 issued Oct. 6, 1998.**

In regard to **Independent claim 1,** Stone teaches an image editing method comprising the steps of:

- Instructing to <u>movement of an</u> arbitrary point of an image displayed in an image display area among image data (See column 6, lines 45-65). Stone shows moving the VOR over the image and the VOR can be placed at any location within the image.

- Calculating an image movement amount and a magnification ratio in response to the instruction to move the arbitrary point (See column 3, lines 55-60 and Figure 3, Magnify x2). Stone shows using a viewing region that calculates the image movement amount to display the new region in the VOR and magnifies the region by a ratio of x2.

- Displaying a predetermined area of the image data in the image display area on the basis of image movement amount and the magnification ratio, which are calculated in the calculating step (See figure 3, 4a and 4b) Stone teaches displaying the VOR region in response to user movement and ratio.

With respect to **dependent claim 2,** Stone teaches an image editing method wherein the image display area is an image print area indicating an image area to be printed (column 11, lines 45-52).

With respect to **dependent claim 3,** Stone teaches an image editing method further comprising: a step of instructing to print the image displayed in the image display area (column 11, lines 45-52).

With respect to **dependent claim 4,** Stone teaches an image editing method wherein when it is instructed to move the arbitrary point so that an end of the image data in a direction opposite to a moving direction is exceeded, the image is magnified based on an exceeding amount and the magnified image is displayed (See figures 5f and 5g). The user moves the image region toward the edge and the system recalculates the region and moves the image region to a new location and then redisplays and magnifies the image region (See also column 8, lines 30-41).

With respect to **dependent claim 5,** Stone teaches an image editing method wherein the predetermined area of the image data is displayed in the displaying step so that the arbitrary point, whose movement is

instructed in the instructing step, is moved to a post-movement point regardless of the magnification ratio (Compare figures 5a-5e and column 7, lines 1-20). Stone shows the point 30 is moved regardless of the magnification ratio (See also column 8, lines 30-41).

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With respect to **dependent claim 6,** Stone teaches an image editing method wherein the calculating step calculates the image movement amount and the magnification ratio so that the arbitrary point, whose movement is instructed in the instructing step, is moved to the post-movement point without generating any margin in the image display area (Compare figures 5a-5e and column 7, lines 1-20). Stone shows the image calculation and movement along with the magnification and does not generate a margin (See specifically 4a-4b).

With respect to **dependent claim 7,** Stone teaches an image editing method wherein while it is instructed in the instructing step to move the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount and the magnification ratio, which are calculated in the calculating step (See figure 3, 4a and 4b) Stone teaches displaying the VOR region in response to user movement and ratio.

With respect to **dependent claim 8,** Stone teaches an image editing method wherein while it is instructed in the instructing step to move the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount, which is calculated in the calculation step, without changing image size (See figure 4a, the base image size does not change), and when it is ended that the instructing step instructs the movement of the arbitrary point, the displaying step displays the predetermined area of the image data in the image display area based on the image movement amount and the magnification ratio, which are calculated in the calculating step (See column 3, lines 55-60 and Figure 3, Magnify x2). Stone shows using a viewing region that calculates the image movement amount to display the new region in the VOR and magnifies the region by a ratio of x2 and then displays the image in the VOR (See figure 4a -4b and See column 8, lines 30-41).

With respect to **dependent claim 9,** Stone teaches an image editing method wherein the calculating step calculates the magnification ratio based on a post-movement point designated during the instruction in the instructing step (See column 8, lines 50-67).

With respect to **dependent claim 10,** Stone teaches an image editing method wherein the calculating step calculates the magnification ratio based on a post-movement point designated at a start of the instruction in the instructing step (See column 8, lines 50-67 and Figure 4a-4b).

In regard to **claims 11 and 13,** claims 11 and 13 reflect the apparatus and medium comprising computer readable instructions for performing the method steps of claim 1, and thus are rejected along the same rationale.

## *Claim Rejections - 35 USC § 103*

6.      **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.      Determining the scope and contents of the prior art.
2.      Ascertaining the differences between the prior art and the claims at issue.
3.      Resolving the level of ordinary skill in the pertinent art.

4.      Considering objective evidence present in the application indicating obviousness or nonobviousness.

7.      **Claims 14-16, 21-25, 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone as applied to claims 1-11, 13, 28, 30 and 32 above, and further in view of Komura et al (hereinafter Komura) U.S. Patent No. 4907095 issued Mar. 6, 1990.**

In regard to **Independent claim 14,** Stone teaches an image editing method of moving or

encircling a point on an image and the object area can have various attributes, which can include

image manipulation (See column 3, lines 1-18 and 55-61).

Stone does not expressly teach the image editing method comprising the steps of:

performing a trimming process on image data in a trimming mode

However, Komura teaches an image editor that places a grid on an image (See Figure 5)

and performs a trimming mode (See column 6, lines 40-67). Komura teaches the process of

superimposing an image trimming frame onto the image and also displaying the image in an

enlarged manner, which is a form of magnification (See column 3, lines 30-45). Komura and

Stone both teach a process of image manipulation and they both teach placing a tool over an

image in the interface to allow the user to perform a function on the image.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of

the invention, having the teachings of Stone and Komura in front of them to modify the system of

Stone to include the grid that is applied to the image to control the trimming process and to give

the user the ability to move the grid with a cursor as taught by Komura. The motivation to

combine Stone and Komura comes from the suggestion in Komura to provide a grid to execute

the trimming process to allow the user to perform the function accurately.

With respect to **dependent claim 15,** as indicated in the above discussion, Stone in view

of Komura teaches every element of claim 14.

Stone does not expressly teach a trimming process in accordance with a trimming

operation and while it is detected that the trimming operation is performed, the grid-displaying

step displays the grid on the image. However, this limitation would have been obvious, in view of

Komura, because Komura teaches the placement of a grid over the image area and the grid is

displayed (See figure 4a-4b and 5).

With respect to **dependent claim 16,** as indicated in the above discussion, Stone in view of

Komura teaches every element of claim 14.

Stone does not expressly teach wherein the grid-displaying step displays the grid, which

suggests appropriate framing of a main object in the image. However, this limitation would have

been obvious, in view of Komura, because Komura teaches the placement of a grid over the

image area that frames the image or surrounds it (See figure 4a-4b and 5).

With respect to **dependent claim 21,** as indicated in the above discussion, Stone in view of

Komura teaches every element of claim 14.

Stone does not expressly teach an image editing method wherein the grid-displaying step

is arranged to switch between displaying and non-displaying of the grid. Stone teaches the

process of turning off the VOR (See column 8, lines 55-67) but does not teach turning off the grid

However, this limitation would have been obvious, in view of Komura, because Komura teaches

the use of interface controls were the user can control the display of the grid (see column 6, lines

50-55).

With respect to **dependent claim 22,** as indicated in the above discussion, Stone in view of

Komura teaches every element of claim 14.

Stone does not expressly teach an image editing method wherein the trimming step

performs the trimming process by changing at least one of a size and a position of the image.

However, this limitation would have been obvious, in view of Komura, because Komura teaches the use of interface controls were the user can control the position and size of the image on the display (see column 6, lines 40-67).

With respect to **dependent claims 23-25, 27,** as indicated in the above discussion, Stone in view of Komura teaches every element of claim 14.

Stone teaches moving a region on the image and that the image can be printed and teaches the process of performing a calculation for image movement and magnification ratio (See column 2, lines 35-67).

Stone does not expressly teach an image editing process that includes trimming that would also include changing the size of the trimming frame that changes the size and position of the image and then trimming the based on the image movement and magnification ratio (See column 6, lines 45-65). Stone shows moving the VOR over the image and the VOR can be placed at any location within the image. Stone shows using a viewing region that calculates the image movement amount to display the new region in the VOR and magnifies the region by a ratio of x2(See column 3, lines 55-60 and Figure 3, Magnify x2). Stone teaches displaying the VOR region in response to user movement and ratio (See figure 3, 4a and 4b). The rejection of claim 1 is herein incorporated by reference as the limitations of calculating the amount of the movement of the arbitrary point and magnification of the image are discussed above.

Stone does not expressly disclose *the grid displaying step displays the grid in the trimming frame changed in at least one of the size and the position and displaying fixedly a trimming image area and the grid in the trimming image area, and the trimming step is arranged to change an image in the trimming image area in at least one of a size and a position in accordance with a trimming instruction and display the image changed in at least one of the size and the position and*

However, Komura teaches an image editor that places a grid on an image (See Figure 5) and performs a trimming mode (See column 6, lines 40-67). Komura teaches the process of superimposing an image trimming frame onto the image and also displaying the image in an enlarged manner, which is a form of magnification (See column 3, lines 30-45). Komura and Stone both teach a process of image manipulation and they both teach placing a tool over an image in the interface to allow the user to perform a function on the image.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Stone and Komura in front of them to modify the system of Stone to include the grid that is applied to the image to control the trimming process and to give the user the ability to move the grid with a cursor as taught by Komura. The motivation to combine Stone and Komura comes from the suggestion in Komura to provide a grid to execute the trimming process to allow the user to perform the function accurately.

In regard to **Independent claim 28,** claim 28 incorporates substantially similar subject matter as claim 14, and in further view of the following, is rejected along the same rationale. Claim 14 claims placing a grid over an image and claim 28 claims placing a mark over an image to perform trimming. If a grid and a mark can be considered a graphical object that identifies the area that are to be trimmed then a grid is a marking.

In regard to **claims 30 and 32,** claims 30 and 32 reflect the apparatus and medium comprising computer readable instructions for performing the method steps of claim 28, and thus are rejected along the same rationale.

In regard to **claims 29 and 31** claims 29 and 31 reflect the apparatus and medium comprising computer readable instructions for performing the method steps of claim 14, and thus are rejected along the same rationale.

**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

## *Allowable Subject Matter*

Claims 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of Komura, Hasbe, Stone, Imaizumi, and Nagasato are not seen as displaying a grid that is arranged to encircle an arbitrary point of the image to perform trimming and then dividing the image based on the golden section and then dividing the image vertically and horizontally into equal parts and then drawing a diagonal line in a rectangular image and drawing perpendicular lines from the remaining vertex of the image to the diagonal line (as shown in the present application drawings 16b and 17b. Therefore, claims 17-20 are allowable if rewritten and combined into independent claim 14.

In regard to **claim 26,** claim 26 also would be allowed if combined into claim 14, as the prior art is not seen as displaying a grid that is arranged to encircle an arbitrary point of the image to perform trimming and then displaying a gird that is closest to a point instructed, and chosen out of a plurality of grid candidates, in a form that is different then the other grids.

### *Response to Arguments*

9.      Applicant's arguments with respect to claims 1-11, 12-32 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

10.     The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,053,886 to Nakajima issued Oct. 1,1991 and discloses a process to magnify an image based on a ratio and magnifying an image as it is moved or positioned on the screen. U.S. Patent No. 5,517,209 to Holland issued May 14, 1996 and discloses a process of trimming an image and re-sizing an image based on a coordinate grid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system.  Status information for published applications may be

obtained from either Private PAIR or Public PAIR.  Status information for unpublished

applications is available through Private PAIR only.  For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Steven B Theriault/
Patent Examiner
Art Unit 2179